



Washington State  
Department of Health  
Board of Osteopathic Medicine and Surgery  
Meeting Minutes  
March 31, 2006

The meeting of the Washington State Board of Osteopathic Medicine and Surgery was called to order by Daniel Dugaw, DO, Chair, at 9:05 a.m. The meeting was held at: St. Francis Hospital, 34515 9<sup>th</sup> Avenue South, Board Room, Federal Way, Washington 98003.

Board Members Present: Daniel Dugaw, DO, Chair  
Larry Smith, DO, Vice-Chair  
Thomas Shelton, DO  
William Gant, Public Member  
Thomas Bell, DO  
Catherine Hunter, DO

Staff Present: Blake Maresh, Executive Director  
Melissa Burke-Cain, Assistant Attorney General  
Arlene Robertson, Program Manager  
Maryella Jansen, Deputy Executive Director  
Lisa Noonan, Program Manager

Guests: Laurie Jenkins, Assistant Secretary  
Mick Oreskovich, MD, Medical Director,  
Washington Physicians Health Program

Open Session

1. Call to Order
  - 1.1 Approval of Agenda  
The agenda was approved as published.
  - 1.2 Approval of Minutes
    - 1.2.1 November 4, 2005 meeting minutes  
The November 4, 2005 meeting minutes were approved as written.

1.2.2 December 12, 2005 conference call minutes  
The December 12, 2005 conference call minutes were approved.

1.2.3 January 26, 2006 conference call minutes  
The January 26, 2005 conference call minutes were approved.

1.2.4 February 22, 2006 conference call minutes  
The February 22, 2006 conference call minutes were approved.

2. 9:30 a.m. - Laurie Jenkins, Assistant Secretary  
Ms. Jenkins provided an update on the status of Department activities. She indicated Governor Gregoire and Secretary Selecky are committed to improving patient safety. As part of this initiative, the Department is reviewing the entire disciplinary process to assure that all complaints are given sufficient attention.

Ms. Jenkins also expressed Ms. Selecky's interest to improve the consistency of handling sexual misconduct allegations and disciplinary actions regardless of the profession. She thanked the Board for moving forward with the rules process to address sexual misconduct.

The Board also had an opportunity to ask Ms. Jenkins questions.

3. 10:00 a.m. - Washington Physician Health Program  
Presentation  
Lynn Hanks, M.D. and Mick Oreskovich, MD

Dr. Oreskovich provided an overview of the monitored treatment program and informed the Board that services are being expanded to include mental health issues and "difficult doctor" reports. Since these types of issues can impact patient safety, the program has been assisting with providing resources for individuals in these categories. Dr. Oreskovich has replaced Dr. Hanks as Medical Director of WPHP.

4. Licensing Issues  
4.1 Compliance with CE requirements  
4.1.1 Correspondence from Kathie Itter, Executive Director, Washington Osteopathic Medical Association  
4.1.2 DO-Online CME Guide  
4.1.3 WAC 246-853-060, 070, 080, 090

## ISSUE

The Washington Osteopathic Medical Association (WOMA) has requested clarification of WAC 246-853-080. Would the certificate of compliance be accepted for the state continuing education requirements for renewal since the American Osteopathic Association (AOA) requirements have changed? Current language specifies that "certification of compliance with the requirement for continuing medical education of the American Osteopathic Association" would be accepted as meeting the continuing education requirements.

The AOA has changed its continuing education requirements to 120 hours in a three year period with a minimum of 30 hours in Category 1-A. This is no longer consistent with Washington's requirements of 150 hours in three years with a minimum of 60 hours in Category 1 (includes 1-A, 1-B, 1-C) courses. Therefore, the AOA certification will no longer satisfy the 150 hour requirement. WOMA is asking the Board to review the matter so that licensees are not caught unaware of the differences when their reporting period is due.

## ACTION

The Board discussed the impact and expectation of the public. It was noted that with the emphasis on patient safety the public expects more of physicians, not less. It would send the wrong message to the public to lower the current standards.

The rules will need to be changed to remove acceptance of the AOA certificate for meeting the requirements. Ms. Robertson and Ms. Burke-Cain will determine which type of rules process must be followed to make the change.

## 5. Rules

- 5.1 Sexual Misconduct - Work Session
  - 5.1.1 Draft-working documents
  - 5.1.2 Sexual Misconduct Policy - Adopted 11/3/95
  - 5.1.3 Medical Quality Assurance Commission rules adopted November 18, 2005
  - 5.1.4 WAC 246-808-590 Sexual Misconduct - Chiropractic
  - 5.1.5 WAC 246-840-740 Sexual misconduct prohibited - Nursing Commission

- 5.1.6 WAC 246-851-550 Sexual Misconduct -  
Optometrist
- 5.1.7 WAC 246-924-358 Sexual Misconduct -  
Psychologist

#### ISSUE

The proposed sexual misconduct and abuse rules as adapted from the Medical Quality Assurance Commission (MQAC) rules were provided for review. The draft abuse rule reflected the boundary issues that had been discussed in November.

#### ACTION

After review of the draft language and taking into consideration the current policy and other professions' rules, the Board determined to use the same language as MQAC. The Board indicated specific language should be avoided and more general language should be used when describing behaviors.

Ms. Robertson will proceed with preparing documents for filing the CR102 for hearing.

- 5.2 Approved Osteopathic Medical Schools  
Review draft language.

#### ISSUE

Draft language was reviewed which identifies schools of osteopathic medicine that will be approved for licensure.

#### ACTION

The Board approved moving forward using the proposed language.

Ms. Robertson will proceed with preparing documents for filing the CR102 for hearing.

- 5.3 Special Purpose Exam  
Update on findings from the NBOME.

#### ISSUE

Staff was waiting to receive additional information from the NBOME relative to the costs and test administration procedures. Ms. Robertson stated that the cost of the examination is \$600 but Dr. Smolley was further checking on whether the payment could be made directly to the NBOME.

#### ACTION

Staff will obtain the additional information to bring back to the Board.

#### 6. Practice Issues

6.1 Discuss patient safety initiatives being pursued by the Department of Health. (Standing Agenda Item)

There was no new information provided.

6.2 Use of Light-Based Medical Devices - Update of Medical Quality Assurance Commission's draft rules.

This issue was provided as informational only. No action was required.

#### 7. Program Manager Reports

##### 7.1 Budget Report

Ms. Robertson provided the February 2006 budget report. The report reflects negative balances in Total Direct Charges and Total Service Units categories. Direct Charges are over expended due to encumbrances for expert witnesses and the WPHP program but actual expenditures are below allotment. Service Unit charges reflect the increased number of significant investigations and legal services being utilized for disciplinary actions. Staff reported that there are still some significant cases to resolve before the expenditures will begin to decrease.

##### 7.2 Washington Physicians Health Program

###### 7.2.1 February 2006 Statistical Information

The statistical information was provided for information only.

##### 7.3 Renewal of Delegation of Signature Authority

The Board approved renewal of the Delegation of Signature Authority.

##### 7.4 Schedule conference calls for complaint approvals/case reviews.

A schedule of conference calls was provided. Staff will coordinate with the board members to rotate those that are scheduled for the complaint reviews.

#### 8. Executive Director Reports

Mr. Maresh reported that the Integrated Licensing and Regulatory System (ILRS) contract has been signed and the project is progressing on time. He also indicated that a survey will be sent to board members shortly and encouraged

them to complete that so their input will be counted. He also provided information on the Board/Commission/Committee Leadership meeting to be held April 26.

Ms. Jansen provided updates on the Legislative session and those bills that passed and were signed by the Governor. Ms. Jansen noted that it was a very busy year for health care legislation but the 2007 session is expected to contain even more legislation that is anticipated to impact the health care professions.

9. (Open Session) Settlement Presentations  
There were no cases ready for presentation.

Closed Session

10. Investigative Authorizations  
Six complaints were reviewed.

11. Disciplinary Case Reviews - Reviewing Board Member Reports

<u>CASE NUMBER</u>	<u>CASE DISPOSITION</u>
2005-05-0002OP	Closed no cause for action; evidence does not support a violation.
2004-10-0010OP	Closed no cause for action; evidence does not support a violation.
2005-09-0007OP	Issue Statement of Charges; refer to Legal.
2005-12-0002OP	Closed no cause for action; unable to pursue without whistleblower release.
2005-02-0003OP	Closed no cause for action; evidence does not support a violation.
2005-04-0002OP	Closed no cause for action; evidence does not support a violation.
2005-08-0010OP	Closed no cause for action; evidence does not support a violation.

- 11.1 Statement of Allegations/Stipulation to Informal  
Disposition presentations  
There were no informal dispositions for presentation.

12. Compliance Issues  
There were no compliance matters for consideration.

13. Application Review

One application was reviewed and approved.

The meeting was adjourned at 1:00 p.m.

Respectfully Submitted

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Arlene Robertson  
Program Manager

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